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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 7/1/03

2003 JAN 3 AM 10 53

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) **Subcase 43-10510**
) **(Kincade)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

On June 20, 2002, the Presiding Judge entered a *Final Order Disallowing Water Right Claims* disallowing claim 43-10510. However, on October 28, 2002, the Presiding Judge entered an *Order Granting Motion to Set Aside Final Order Disallowing Water Right and File Late Objection* based on a motion to set aside the *Final Order* filed by Darlene and Larry Kincade, 1781 E. Hwy 77, Malta, Idaho 83342.

On December 30, 2002, the Kincades and IDWR filed a *Standard Form 5* agreeing to .15 cfs from Three Springs for irrigation of 5 acres and stockwater use in Cassia County from April 1 to October 31 with a priority date of June 30, 1938, based on beneficial use.

Conclusions of Law

The Kincades are entitled to a partial decree adjudicating a water right as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10510*.

DATED January 3, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10510

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 3 AM 10 54

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

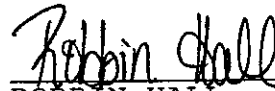
Water Right(s): 43-10510

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 03, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DARLENE KINCADE
LARRY KINCADE
1781 E HWY 77
MALTA, ID 83342
Phone: 208-645-2346



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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01/03/03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 3 AM 10 54

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

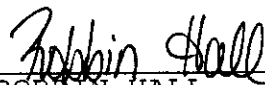
Water Right(s): 43-10510

On January 03, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 03, 2003.



ROBBIN HALL
Deputy Clerk